

REMARKS

Claims 1, 3 - 6 and 12 - 17 are in this application and are presented for consideration. Claims 1, 3 - 4 and 6 have been amended.

Applicant thanks the Examiner for indicating that claims 12 - 17 are allowed. Applicant also thanks the Examiner for removing several of the objections and rejections from the last Office Action.

In the present Office Action, claim 4 is objected to for containing too many periods. Applicant has reviewed claim 4, and notes that in the last Amendment, a comma was added to lines 4 and 8. In accordance with U.S. patent regulations, the inserted commas were underlined. This underlining may have covered the tail of the commas to make them appear to be a period. In this present Amendment, the underlining has been removed, in accordance with the U.S. patent regulations, and one can see that commas are present on lines 4 and 8. If the Examiner desires any additional changes to claim 4, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

Claims 1 and 4 have been rejected as being anticipated by Dietze. Claim 1 has been amended to include the features of claim 2. Claim 4 has been amended to include the features of claim 7. Claims 2 and 7 have not been rejected as being anticipated by Dietze, and therefore claims 1 and 4 now define over Dietze.

Claims 2 and 6 have been rejected as being obvious over Dietze.

The rejection indicates that Dietze discloses a memory unit, but only mentions that it is for storing calibration values. The rejection states that it would have been obvious to use

this memory unit in Dietze to store operating parameters because Dietze discloses that the sensor user may key in commands and settings. The rejection then indicates how Dietze discloses five different operating states and that it is very unlikely that the operator keys in the commands to effect each state. The rejection also acknowledges that the measurement in Dietze is made in the fifth state. Applicant notes that the operating parameters set forth in amended claim 1 are used in a control algorithm which measures the substance concentration. In Dietze, measurement is only made in the fifth state, and therefore commands to effect each state are not operating parameters used by a control algorithm to measure substance concentration.

The rejection also states that it would have been obvious to have the sensor user to select the type of measurement and set some operating parameters before the measurement is made because this would be more convenient and reduce the chance of error. However Applicant does not find any incentive or motivation in the prior art to make this modification. U.S. patent regulations require that the incentive be found either in the prior of the general knowledge of the person of ordinary skill. Even if the modification does result in a more convenient system and results in the reduction of error, there must be some incentive in the prior art which indicates that the modification would cause these benefits. Applicant does not find Dietze to indicate that the proposed modification would result in these benefits. The rejection refers to column 1 lines 13 - 23 of Dietze. This portion appears to indicate that ease of handling of analysis elements is desired. However, Applicant finds no indication in Dietze that storing some operating parameters before measurement is made would result in this

benefit. It is only the present invention which specifically teaches the storing of operating parameters, and therefore the reference of Dietze by itself cannot cause amended claim 1 to be obvious. If the incentive or motivation to modify Dietze, is found in the general knowledge of the person of ordinary skill, Applicant respectfully requests that the rejection provide support for the incentive being in the general knowledge.

Claim 3 further sets forth that the microprocessor determines operating parameters of the sensor electrode, at regular intervals to adapt the control algorithm to continue to measure substance concentration. The rejection of claim 3 states that the first four operating steps of Dietze involve testing whether the sensory is in a satisfactory condition for making measurements. The rejection then further states that at least two of the operating steps imply reading parameters from memory and using a control algorithm. However this control algorithm and these steps do not determine operating parameters which are used to measure substance concentration. In the present invention, the performing of test functions at regular intervals checks and corrects for such conditions as aging of the sensor and is described in the present specification on page 6 lines 1 - 6. These operating parameters are used in the actual algorithm that measures the substance concentration. As described by the rejection, the first four operating steps in Dietze involve testing where the sensor is in a satisfactory condition for making measurements. These first four operating states do not determine operating parameters which are used to measure substance concentration. Therefore the first four operating states of Dietze does not anticipate the microprocessor determining operating parameters as described in claim 3. All of the features of claim 3 are therefore not present in Dietze, and Applicant

finds no incentive or motivation to modify Dietze to have a microprocessor determine operating parameters which are used to adapt a control algorithm to continue to measure substance concentration. Claim 2 therefore cannot be considered obvious in view of Dietze.

Claim 4 has been amended to set forth the features from claim 7 that the microprocessor determines operating parameters before the sensor is put into operation, and/or at regular intervals, to adapt a control algorithm to same.

In the rejection of claim 7, Dietze is again used for the first four operating steps that involve testing. However the rejection states that these tests determine whether the sensor is a satisfactory condition for making measurements. Applicant finds no teaching nor suggestion in Dietze that the first four operating steps involve determining operating parameters which are used to adapt a control algorithm. The rejection states that two of these operating steps use a control algorithm, but Applicant finds no indication that any operating steps actually adapt an algorithm. Since the prior art does not describe performing test functions to adapt a control algorithm, the prior art of Dietze does not anticipate all of the features of amended claim 4. Applicant further finds no incentive to modify Dietze so that any of the operating steps which involve testing also determines operating parameters which are then used to adapt a control algorithm. Since there is no incentive or motivation to make such a modification, claim 4 cannot be obvious in view of Dietze.


Claim 6 depends from amended claim 4 and further sets forth that the microprocessor reads parameters from the memory to carry out the control algorithm depending on the parameters. Applicant finds no teaching nor suggestion of any control algorithm in Dietze

which is carried out depending on parameters from a memory. While the rejection indicates why such a modification would be beneficial to Dietze, it is Applicant's position that the incentive or motivation to perform the modification is not present in the prior art. Applicant finds no indication in Dietze that such a modification would result in the benefits described in the rejection. Since there is no incentive or motivation in Dietze, a person of ordinary skill in the art would not be led to the benefits described in the rejection. Claim 6 therefore further defines over Dietze.

Applicant again thanks the Examiner for indicating allowable subject matter. If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted  
For Applicant,

By:   
Theobald Dengler  
Reg. No. 34,575

TJD:tj/tf/jms  
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SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
(914) 941-5600

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